

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE BANK OF AMERICA CORP.  
SECURITIES, DERIVATIVE AND  
EMPLOYEE RETIREMENT INCOME  
SECURITY ACT (ERISA) LITIGATION

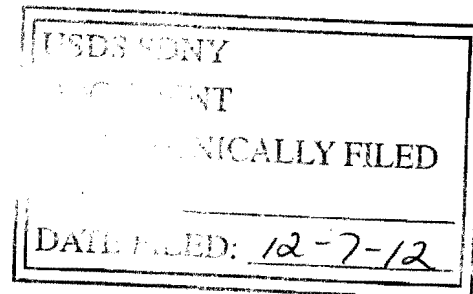
This document relates to:

Gegnas v. Bank of America Corp., et al.,  
No. 12 Civ. 6801; Mitnick, et al. v. Bank of  
America Corp., et al., No. 12 Civ. 6879;  
Shapiro v. Bank of America Corp., et al.,  
No. 12 Civ. 6864.

Master File  
No. 09 MDL 2058 (PKC)

Related File  
Nos. 12 Civ. 6801 (PKC),  
12 Civ. 6879 (PKC),  
12 Civ. 6864 (PKC)

ECF CASE



**STIPULATION AND PROPOSED ORDER**

**WHEREAS**, the above-captioned actions were filed on September 7 and  
September 11, 2012;

**WHEREAS**, defendants' deadline to answer plaintiffs' complaints or file  
a pre-motion conference letter with this Court detailing the basis for any anticipated  
motions to dismiss the complaints is January 8, 2013;

**WHEREAS**, plaintiffs' responses to any such pre-motion conference  
letter filed on January 8, 2013 are due on January 15, 2013;

**WHEREAS**, the parties agree good cause exists to extend the current  
deadlines;

**NOW THEREFORE**, the parties hereby **STIPULATE** and **AGREE** as  
follows:

1. Defendants shall answer or file a pre-motion conference letter detailing the basis for any anticipated motions to dismiss by April 9, 2013.
2. Plaintiffs shall respond to any pre-motion conference letter detailing the basis for any anticipated motions to dismiss by April 16, 2013.

Dated: New York, New York  
December 6, 2012

**PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON LLP**

By: Robert Atkins/mm

Robert A. Atkins  
Jacqueline P. Rubin  
Audra J. Soloway  
Meredith A. Arfa  
1285 Avenue of the Americas  
New York, NY 10019-6064  
(212) 373-3000 (telephone)  
(212) 757-3990 (facsimile)  
ratkins@paulweiss.com  
jrubin@paulweiss.com  
asoloway@paulweiss.com  
marfa@paulweiss.com

*Attorneys for Defendant Bank of America  
Corporation*

**SHEARMAN & STERLING LLP**

By: Adam Hakki/mm

Adam Selim Hakki  
599 Lexington Avenue  
New York, NY 10022  
Tel.: (212)-848-4924  
Fax: (646)-848-4924  
Email: ahakki@shearman.com

*Attorneys for Defendant Merrill Lynch &  
Co.*

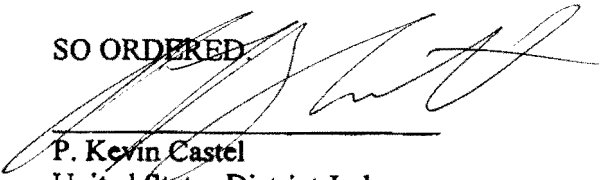
**ALAN L. FRANK LAW ASSOCIATES, P.C.**By: Alan Frank/mm

Alan L. Frank  
135 Old York Road  
Jenkintown, PA 19046  
(215) 935-1000 (telephone)  
(215) 935-1110 (facsimile)  
afrank@alflaw.net

*Attorneys for Plaintiffs Bonnie Friedman, Nathan  
A. Friedman Rollover IRA, Robert Gegnas, Harvey  
M. Mitnick as Executor of the Estate of Nathan A.  
Friedman, Steven L. Shapiro as Custodian for  
Stacy Shapiro UGMA and Marci Shapiro, UGMA*

12-7-12  
Dated

SO ORDERED

  
P. Kevin Castel  
United States District Judge